

EXHIBIT A



JOHNSON & WALES
UNIVERSITY



Panelist Training

Marshall Lancey- Assistant Director
of Student Conduct

August 21, 2017

Welcome to the Office of Student Conduct!

Betsy Gray- Director of Student Conduct and Programs

Marshall Lancey- Assistant Director

Joyce Motta- Administrative Assistant

Our office is located on the 2nd floor of the Friedman Center

Conduct Philosophy

The Office of Student Conduct engages students in meaningful educational opportunities that promote ethical behavior and citizenship.

- As a hearing officer, you are now officially (unofficially?) a member of the Student Conduct team!

Foundational Principles

All our conversations with students are grounded in 3 primary principles that state we will:

- provide a consistent message regarding the Code of Conduct and the Conduct Review Process to the JWU Community
- create opportunities for students to reflect upon their character and how it impacts decision making , their community, and their opportunity to be successful.
- Provide opportunities through creative initiatives that challenge students to be responsible citizens

Jurisdiction

- All on-campus conduct
- Off-campus conduct which relates to:
 - The good name of the JWU system
 - The integrity of the educational process
 - The safety and welfare of the JWU system community, either in its public personality or in respect to individuals within it

There is no statute of limitations on conduct cases.

Conduct v. Criminal and Civil Proceedings

Student Conduct is a wholly separate system from criminal and civil proceedings

- Students can be charged with a crime and a violation of the Student Code of Conduct at the same time
- Sanctions will not change based on the outcome of a criminal or civil process
- A preponderance (majority) of the evidence (50.01%) is the standard of evidence throughout student conduct proceedings.

The Code of Conduct

1. Harming or Endangering
2. Bias and Harassment
3. Sexual Misconduct
4. Drugs
5. Alcohol
6. Theft and Abuse of Property
7. Failure to Comply and Interference
8. Dishonesty
9. Other Prohibited Conduct

Your Most Common Charges

- Alcohol
- Marijuana
- Behavior that would offend or frighten
- Failure to comply with the Guide to On Campus Living
- Endangering or threatening health or safety

Questions about the Student Code of Conduct?

9



Student Conduct Process

10



Conduct Review Process

- Reporting of an Incident
- Initial Review
- Student Conduct Case
- Appeal

11



Steps Leading to a Panel Hearing

Panel Hearings only take place when a responsible finding could result in suspension or dismissal

Pre-Hearing meeting:

- Student reads all evidence that will be presented to panelists
- Student learns the panel hearing procedures
- Explain nature of the charges
- Gives the student the opportunity to "Acknowledge Responsibility"

Panel Hearing scheduling:

- Based on students academic schedule
- Joyce will e-mail a call for panelists
- Joyce will confirm panelists selected for the hearing (3 active, 1 reserve)
- The student is notified of the date and time

Panelist Expectations

- Punctuality- please arrive at least 20 minutes prior to the hearing start time to review all materials
- Confidentiality
- Be familiar with JWU Policy and hearing procedures as outlines in the Code of Conduct
- Treat one another and students with respect
- Neutral, unbiased, open attitude

Language

Legal

- Suspect
- Victim
- Crime
- Write-Up
- Trial/Court
- Jury/Judges
- Guilty
- Not Guilty
- Testify
- Advocate

Educational

- Respondent
- Complainant
- Incident
- Incident Report
- Hearing
- Panelists
- Responsible
- Not Responsible
- Provide Information
- Advisor

Hearing Overview

- The Hearing Officers facilitate the process and will guide panelists and students through each step.
- *Only relevant information regarding the incident can be presented during the hearing.*
- Who to expect:
 - Respondent
 - Complainant (Title IX cases only)
 - Witnesses with relevant information
 - Advisor
 - for both Respondent and Complainant (Title IX)
 - Any person of their choosing
 - “potted plant”, may not participate in any manner

Information Gathering Tips

Remember: the goal is to determine whether it is more likely than not that the behavior occurred. All questions should be centered around that goal.

- When you are first reading the report you should:
 - Review assigned charges in the Student Code of Conduct
 - Note anything that is unclear
 - Make notes about questions you need answered (from respondent or witnesses) on the provided notes sheet
 - Gather information that helps determine if that violation occurred
 - Highlight pieces of information that you think are particularly important in relation to the charges
 - Ask Hearing Officer for clarification

During the hearing

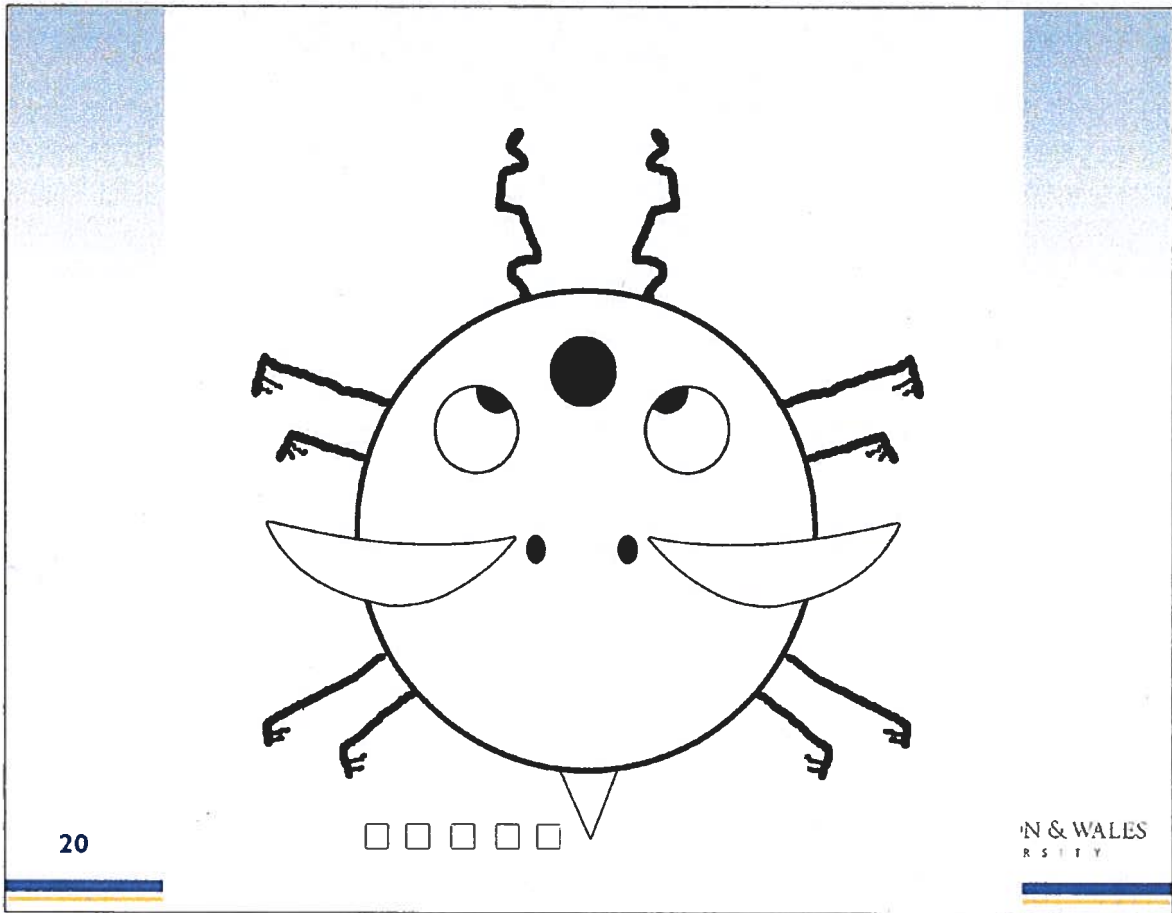
- Maintain neutral composure and expressions
- Actively listen and make notes on key points
- Refer back to notes from your review of the report
- Note discrepancies from student statements vs. UIR and other documents
- Constantly ask yourself: what information do I need to determine if the behavior occurred?
- Ask relevant questions to reach a determination – do not assume it happened exactly the way you read it.

Skills and Knowledge to Consider

- Neutrality
- Active Listening
- Open-ended Questions
- Body Language
- Set Up/Announcing Notetaking
- Professionalism
- Timing/Progress
- Mindfulness of sensitive issues

Active Listening Activity

- The bug is round.
- The bug has eight legs, grouped in pairs, with four legs on the left and four legs on the right. In the pairs, one leg is longer than the other.
- The bug has two eyes on top of the body.
- The bug has two squiggly antennae.
- The bug has two pea-pod shaped wings.
- The bug has a spot next to each wing.
- The bug has a triangular stinger on the bottom of its body.
- The bug has two feelers on each foot – one longer than the other, both coming from the same side of the leg.
- The bug has a round mouth, placed between the two eyes.
- The bug laid five square eggs to the left of the stinger.



After the hearing

- The panel is given time to deliberate
- The panel should come to a unanimous decision for each individual charge
- The Hearing Officer will not participate in the formulation of a decision but can answer questions about the process or Student Code of Conduct
- The panel will recommend appropriate sanctions for the Hearing Officer to consider

Rationale Worksheet (VAWA related offenses only)

The Decision

- Must be made based on **RELEVANT** information provided during the panel hearing (report, statements, witnesses, questions/answers)
- Can **NOT** be made based on knowledge of a prior violation, your personal opinion about the student, or your own personal values/beliefs
- Can **NOT** speculate on what other information would have yielded

Rationales

VAWA: A written rationale must be provided to both complainant and respondent in cases of Dating Violence, Domestic Violence, Sexual Assault and Stalking.

- Panelists will complete the worksheet in their own words
- Will be used to write rationale sent to complainant and respondent
- Must consider and discuss each section (element) of the worksheet and fill out
- Panelists may **NOT** ask the Hearing Officer for guidance/advice about the decision. Procedural Q's only.

Worksheet

Hearing Rationale Worksheet: Dating/Domestic Violence

This document is to be used by the hearing panel or officer to help draft a rationale for a student conduct hearing. It is not to be shared externally, except as necessary to a valid FERPA request.

1. Our objective is to determine whether or not the respondent is responsible for violating 1c Dating Violence or Domestic Violence.

2. What did the opportunity to provide the following documents:

- ☐ Campus Safety & Security visit
- ☐ Residential Life report
- ☐ Other relevant documentation provided during the Panel hearing by:
 - ☐ the complainant (describe documents):
 - ☐ the respondent (describe documents):

3. We had the opportunity to hear the following statements from the Panel hearing:

- ☐ the complainant's statement (while taking into consideration making a informed investigation and practices)
- ☐ the respondent's statement
- ☐ witness statement(s) (if applicable):

4. The following information from section 2 and 3, particularly supported the position that the respondent did violate the 1c provision of the Student Code of Conduct

a) Step One: Act Inquiry - Violent Act

1.	
2.	
3.	
4.	

b) Step Two: Relationship Inquiry - Current Relationship (Romantic Nature/Companionate Nature) and/or Prior Relationship (Romantic Nature/Companionate Nature)

1.	
2.	
3.	
4.	

5. The following information from section 2 and 3, particularly supported the position that the response is NOT in violation of the provision of the Student Code of Conduct

a) Step One: Act Inquiry - Violent Act

1.	
2.	
3.	
4.	

b) Step Two: Relationship Inquiry - Current Relationship (Romantic Nature/Companionate Nature) and/or Prior Relationship (Romantic Nature/Companionate Nature)

1.	
2.	
3.	
4.	

Approach to Sanctions

In all cases, through sanctioning, the office hopes to:

- Help students understand how their behavior impacts the community and why it needs to change
- Ensure the security of the JWU community
- Apply only as much pressure as necessary to elicit behavioral change

FERPA

- The **Family Educational Rights and Privacy Act (FERPA)** (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

Other than a letter to a parent/guardian as a sanction, you should check with Student Conduct before communicating with a parent/guardian about their student's conduct record/situation.

Questions about the Student Conduct Hearing Process?

27

